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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,733	Applicant(s) MORADI ET AL.	
	Examiner Thomas J. Dailey	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17-20, 22-37, 40-44, 46-64, 78-85, 92-101 and 103-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17-20, 22-37, 40-44, 46-64, 78-85, 92-101 and 103-114 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/2008, 8/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 10-16, 21, 38-39, 45, 65-77, 86-91, 102, and 115-121 were cancelled by the amendment filed on August 18, 2008.
2. Claims 1-9, 17-20, 22-37, 40-44, 46-64, 78-85, 92-101, and 103-114 are pending.

Claim Objections

3. Certain claims (e.g. claims 40-41) in this application do not comply with 37 CFR 1.75(i). The applicant is reminded that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. Appropriate correction is required.
4. Claims 18-20, 22-37, 41-42, 80-85, 93-101, and 104-114 are objected to due to their lack of definite articles. These claims are dependent claims but fail to recite definite articles to clearly establish them as dependent claims. For example, claim 18 recites, "A method for placement of a video clip according to claim 17..." and claim 80 recites, "Apparatus of claim 79..." They need to recite, "*The* method..." and "*The* apparatus of claim 79..." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9, 27, 40-42, 64, 79-85, 98, 103-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
7. Claim 1 recites, "a set of a plurality of videos with identical content where each of the videos is encoded to play on different video players." Use of the term "identical" renders the claim indefinite, because how can content be identical if it is encoded differently. The examiner believes the applicant intends to claim identical visual content and therefore will be interpreted as such.
8. Claim 40 recites, "number of sequential bulk sent at any given time ranged from 1 to..." (line 6) It is unclear what "sequential bulk" is and therefore the claim cannot be reasonably interpreted. Further, it is unclear what the time range refers to, i.e. what is the "1 to a preselected value" relative to, and is the time in seconds, minutes, etc.
9. Additionally, claim 40 recites, "resetting the number of bulk sent after connection to a SMTP server, this value also preselected by the video email sender" (line 8) "The number of bulk sent" lacks antecedent basis and it is unclear what "bulk" is. Further, it is unclear what "this value also preselected by the video email sender" refers to. Is it the value before or after the reset?

10. Claims 2-3, 6-7, 80-81, and 83-84, they recite, "the video" (e.g., claim 2, line 1).

This limitation lacks antecedent basis in the claims or their respective parent claims.

11. Claims 27 and 98 recite, "the video clip input field" (e.g. claim 27, line 3). This limitation lacks antecedent basis in the claim.

12. Regarding claim 64, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. Claim 79 is rejected by a similar rationale to that of claim 1's rejection.

14. Claim 103 is rejected by a similar rationale to that of claim 40's rejection.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1-9, 17, 19-37, 79-85, and 92-101 are rejected under 35 U.S.C. 102(e) as being anticipated by Doty, Jr. (US Pat. 6,795,863), hereafter "Doty."

17. As to claim 1, Doty discloses a method on a computer for generating a video email the method comprising the steps of :

- i. providing a set of a plurality of videos with identical content, wherein each of the videos is encoded to play on different video players and/or encoded with different video resolution video for display on computer screen (column 5, lines 4-9, video streams (plurality of videos) are distributed and are encoded into a plurality of different video data stream formats (able to be played on different video players or encoded with different video resolution));

- ii. providing at least one skin image for display with each of the plurality of videos (column 13, lines 16-22, embedded video screen, calendar, and e-mail message status display are displayed with any of the provided videos);

- iii. correlating the videos and the skin image to a conformity file which includes a plurality of video formats for different video players and different video resolutions display on a computer (column 8, lines 45-63 and column 13, lines 33-44, via information sent to a smart server from a client, it is determined which video format would be best for the client and that video is displayed to the client via the embedded video screen, the determination process requires a "conformity

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file” in that the means for determining the optimal video for a client require previously stored data at the smart server);

iv. sending an email to a recipient's computer (column 13, lines 16-22);

v. receiving, in response to the email, a request from the recipient's computer with information about the recipient's computer to display a selected video from the set of a plurality of videos and the skin image (column 8, lines 45-63 and column 13, lines 33-44); and

vi. selecting automatically from the conformity file using the information about the recipient's computer, a video from the set of videos for display on the recipient's computer(column 8, lines 45-63).

18.As to claim 17, Doty discloses a method on a computer for placement of a video clip:

creating an email to which is associated a video clip and an image file (column 13, lines 16-29, e-mail web page received from the e-mail system is displayed which includes associated video data (video clip) and various other visual data (i.e. images) including embedded video screen, calendar, etc.),

sending the email from an email sender to an email recipient (column 13, lines 16-29);

receiving, in response to the email, a request from the email recipient's computer with information about the email recipient's computer to display a selected video from a set of a plurality of videos and skin images, wherein each

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of the videos is encoded to play on different video players and/or encoded with different video resolution image (column 8, lines 45-63 and column 13, lines 33-44);

selecting automatically from a conformity file using the information about the recipient's computer, a video from the set of videos for display on the recipient's computer, wherein the conformity file includes a plurality of video formats for different video players and different video resolutions (column 8, lines 45-63 and column 13, lines 33-44, via information sent to a smart server from a client, it is determined which video format would be best for the client and that video is displayed to the client via the embedded video screen, the determination process requires a "conformity file" in that the means for determining the optimal video for a client require previously stored data at the smart server); and

displaying the video which is selected on the email recipient's computer (column 13, lines 39-44).

19. As to claim 79 and 92, they are rejected by a similar rationale to that set forth in claim 1's rejection.

20. As to claim 2, Doty discloses the video is stored at one of a streaming server, designated IP Address, and a web site (column 8, lines 32-38).

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21. As to claim 3, Doty discloses the video is a file stored in a streaming server (column 8, lines 32-38).

22. As to claim 4, Doty discloses the skin image is stored at one of a streaming server, designated IP Address, and a web site (column 13, lines 16-29).

23. As to claim 5, Doty discloses the skin image is an animated file (column 13, lines 16-29).

24. As to claim 6, Doty discloses the video is stored at one of a streaming server, designated IP Address, and a web site for integrated access and uploading (column 8, lines 32-38).

25. As to claim 7, Doty discloses the video and the skin image are stored at one of a streaming server, designated IP Address, and a web site for integrated access and uploading (column 8, lines 32-38).

26. As to claim 8, Doty discloses a reply address is created as an alternate email address for correspondence (column 13, lines 16-29).

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27. As to claim 9, Doty discloses an action label is created in form of text or image connecting to at least one of a link, email address, web page, and IP address (column 13, lines 16-29).

28. As to claim 19, Doty discloses the video clip plays automatically within the skin image file in a position defined on a computer screen by the email sender (column 13, lines 16-29).

29. As to claim 20, Doty discloses the video clip and skin image are corrected to a pre-selected screen format identifying desired location for video playing on the email (column 13, lines 16-29).

30. As to claim 22, Doty discloses the video clip plays automatically when the email recipient clicks on a designated area of the skin image file as defined by the email sender (column 13, lines 16-29).

31. As to claim 23, Doty discloses creating a method for video popping up on a computer screen and playing automatically (column 13, lines 16-29).

32. As to claim 24, Doty discloses the further step of setting an alternate method of video playing on a pop up screen in the event video email recipient's computer

and desktop settings prohibit automatic playing of the video (column 13, lines 16-29).

33. As to claim 25, Doty discloses the further step of the video playing automatically when email recipient clicks on a specified area of the skin image as specified by video email sender by popping up on a computer screen and playing automatically (column 13, lines 16-29).

34. As to claim 26, Doty discloses the further step of establishing authorized authentication, direct connection, and video access through an intelligent video streaming server for uploading of video file(s) to the intelligent video streaming server (column 13, lines 16-29).

35. As to claim 27, Doty discloses the further step of providing an automated link and its automatic paste entry of video streaming code from the intelligent video streaming server into the video clip input field (column 13, lines 16-29).

36. As to claim 28, Doty discloses the further step of establishing an input link to at least one of an IP specific address, a streaming server and a web site where video file is located for entering designated location of video file(s) (column 13, lines 16-29).

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37. As to claim 29, Doty discloses the further step of creating the ability for input link to video files based on formats available from Microsoft Media Player Format, Real Network's Real One Formats, Apple Quick Time Formats, Motion Picture Expert Group (MPEG) Formats, and Macromedia Flash Formats (column 8, lines 58-63).

38. As to claim 30, Doty discloses the further step of establishing variable video formats for broadband and modem connection and broadcasting streamed from at least one of an intelligent video streaming server, a designated IP Address, a video streaming server and a web site (column 8, lines 45-63).

39. As to claim 31, Doty discloses the further step of providing capabilities for secured and firewall sites to view video (column 11, line 59-column 12, line 8).

40. As to claim 32, Doty discloses the further step of establishing exception rules for unified display of video email for public (POP) email account sites including Yahoo, Hotmail, AOL, MSN, and other public email sites limited to Internet browser access only (column 11, lines 48-58).

41. As to claim 33, Doty discloses the further step of creating provisions for video access on a computer screen when a video email recipient's program does not

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support scripted programming language displaying video on a computer screen (column 13, lines 16-29).

42. As to claim 34, Doty discloses the further step of showing hyperlinks to designated a video location where no known video format or player is installed on video email recipient's computer disk or is prohibited by desktop settings (column 13, lines 16-29).

43. As to claim 35, Doty discloses the further step of creating an input text field of instruction inputted by video email sender for instructing email recipient accessing video in the event there were no known video formats or video player installed on recipient computer disk and desktop settings (column 13, lines 16-29).

44. As to claim 36, Doty discloses the further step of creating an input image field of instruction inputted by video email sender for instructing email recipient accessing video in the event there were no known video formats or video player installed on recipient computer disk and desktop settings (column 13, lines 16-29).

45. As to claim 37, Doty discloses the further steps of sending and receiving attachment files of any size; locating an attachment file in any disk storage media

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format including network systems; and storing attachments as a list for immediate or future adding or deletion when sending a video email (column 13, lines 16-29).

46. As to claims 80-85, they recite similar subject matter to that of claims 3-9 and are rejected in a similar manner.

47. As to claims 93-101, they recite similar subject matter to that of claims 18-37 and are rejected in a similar manner.

Claim Rejections - 35 USC § 103

48. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

49. Claims 43-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty in view of what was well known in the art.

50. As to claim 43, Doty discloses a method for sending video email to recipients comprising the steps of:

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- i. generating video emails containing video, graphics and audio content (column 13, lines 16-29, e-mail web page received from the e-mail system is displayed which includes associated video data (video clip) and various other visual data (i.e. images) including embedded video screen, calendar, etc.);
- ii. establishing an intelligent video streaming server (column 8, lines 45-50);
- iii. storing generated video emails in the intelligent video streaming server (column 8, lines 45-50);
- iv. determining in the intelligent video streaming server an intelligent scoring algorithm for playing an optimum settings of video for a video email recipient or a web browser (column 8, lines 45-58, "smart server determines optimum video data stream format for video player");
- v. establishing a gateway to access the intelligent video streaming server from an Internet browser or through a video email generator, (column 13, lines 16-29, client computer, via the emailed webpage, has access to the emailed video)
- viii. allowing user managed, video, audio, animation, and images folders (column 5, lines 4-9, it is essential that any user distributing video emails can manage those emails, which include video and various other visual data (i.e. images) including embedded video screen, calendar, etc., see column 13, lines 16-29).

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But, Doty does not disclose the security features recited in the claim (restricting access, user identification, user passwords, and allowing users to edit and change passwords via entering an old password, entering a new password and confirming the new password once more).

However, the security features recited in the claim were well known in the art at the time of the invention. Therefore Official Notice (MPEP 2144.03) is taken that it would have been obvious to combine such well known practices and methods of providing security to the video server and video emailing system of Doty in order to maintain the overall integrity of the system.

51. As to claims 78 and 103, they are rejected by a similar rationale to that of claim 43's rejection.

52. As to claim 18, Doty does not disclose the video clip is sent as an attachment.

However, the sending of video clips as attachments to emails was well known in the art at the time of the invention. Therefore Official Notice (MPEP 2144.03) is taken that it would have been obvious to combine such well known practices with the teachings of Doty, in order to give the sender greater flexibility in regards to how they chose to send video content.

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53. As to claim 44, Doty discloses the further step of allowing users to create limited video, audio, and image folders limited only to disk space (column 8, lines 45-50).

54. As to claim 46, Doty discloses the further step of allowing renaming of video, audio, and imaging folders by preselected users (column 13, lines 16-29).

55. As to claim 47, Doty discloses the further step of allowing users to determine the most optimal automatic playing decision criteria by using a scroll bar (column 8, lines 45-58).

56. As to claim 48, Doty discloses the further step of defining a best video, audio and image viewing experience in form of scalable scroll bar that is measured from one extreme for best quality video versus another extreme for optimized downloading speed (column 8, lines 45-58).

57. As to claim 49, Doty discloses the further step of displaying on a computer screen a control panel to enable a user to manage video, audio and image files stored in the intelligent video streaming server (column 8, lines 45-58).

58. As to claim 50, Doty discloses the further step of including in the video emails an animation file (column 13, lines 16-29).

59. As to claim 51, Doty discloses the further step of programming the video email so that the animation is displayed before the video, audio and image is displayed on a computer screen (column 13, lines 16-29).

60. As to claim 52, Doty discloses the further step of programming the video email so that the animation is displayed in a way to compensate for streaming video hashing, streaming and latency (column 13, lines 16-29).

61. As to claim 53, Doty discloses the further step of displaying on a computer screen usage showing allocated amount of disk space against the actual usage of disk space (column 8, lines 45-58).

62. As to claim 54, Doty discloses the determining in the intelligent video streaming server an intelligent scoring algorithm for playing the optimum settings of video for a video email recipient or a web browser includes using an algorithm together with a conformity file using information about an email recipient's computer (column 8, lines 45-64).

63. As to claim 55, Doty discloses the further step of storing multiple video contents based on different settings supported by media player formats including: 1.

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Microsoft Media Player 2. Real Networks Real One 3. Apple Quick Time 4.

MPEG-1, 2, 4 5. Macromedia Flash (column 8, lines 45-64).

64. As to claim 56, Doty discloses the step of converting a video content into several video, audio and image formats and storing them into video, audio, and image folders and storing in the intelligent video streaming server (column 8, lines 45-64).

65. As to claim 57, Doty discloses the step of establishing a secured upload of video, audio and image files (column 8, lines 45-64).

66. As to claim 58, Doty discloses the step of associating for video, audio, and image types based on supported media player formats for providing knowledge base to the algorithm of the intelligent video streaming server (column 8, lines 45-64).

67. As to claim 59, Doty discloses the step of automatically creating an intelligent detection computer code using input supplied by video format, bandwidth, and file extension and incorporating such knowledge into the video email video input field for assuring emailing the correct video (column 8, lines 45-64).

68. As to claim 60, Doty discloses the step of automatically creating an intelligent detection computer code for use in conjunction with any web site, for streaming

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intelligent video, audio, and animation based on measured bandwidth and video format (column 8, lines 45-64).

69. As to claim 61, Doty discloses the step of using decision criteria in the algorithm based on user decisions on quality of video versus speed of download to enable a web browser to display a video without regard to selecting the speed of connection, media format type, and change in personal computer desktop settings restrictions and preference (column 8, lines 45-64).

70. As to claim 62, Doty discloses the algorithm determines quality versus speed and orders streaming for most suitable video, audio, and image for email recipient or web browsing streaming experience (column 8, lines 45-64).

71. As to claim 63, Doty discloses the further steps of automatically creating an intelligent detection computer code residing at the intelligent video streaming server based on the algorithm detecting automatically the most suitable video streaming for emailing or viewing experience by assigning values to speed, bandwidth connection (column 8, lines 45-55), media format and creating a "Certainty Factor" and wherein the highest computational variables so determined are associated with video format, connection speed, desktop settings and user preferences for streaming or emailing for viewing experience on a computer screen (column 8, lines 56-64).

72. As to claim 64, Doty discloses the further steps of creating formats for web hosting wherein a web site owner can select for presentation one of intelligent pop-up video, audio, and image; using client desktop settings and media player; playing video from within a web page along side with other text and images and using computer language codes such as HTML, JavaScript, XML to display video, audio, and image (column 13, lines 16-29).

73. Claims 40-42 and 103-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty in view of Sugaya et al (US Pat. 5,970,485), hereafter "Sugaya" and what was well known in the art.

74. As to claim 40, Doty discloses a method for sending a video email comprising the steps of
sending one video email per recipient (column 1, lines 10-16); sending multiple recipients in a format for bulk mailing (column 1, lines 10-16 and column 13, lines 16-29, mail sender may address same video email to multiple clients) setting video email user defined parameters specifying: number of recipients bulked (grouped) together where zero value is regarded as all recipients (column 1, lines 10-16 and column 13, lines 16-29, mail sender will have control over the number of recipients; simply using zero as a designation that it will include all the recipients is a design choice).

But, Doty does not disclose setting user defined parameters specifying intervals between each transmission and sequential bulk sent at any given time ranged from 1 to a preselected value specified by the email sender.

However, Sugaya discloses user defined parameters specifying delay times of messages where different delay times are used for different users (column 21, lines 47-64 and column 23, lines 35-49).

Therefore, it would have been obvious at the time of the invention to combine the teachings of Doty and Sugaya in order to allow Doty system to distribute video emails more effectively, in that undue bandwidth demands would not be made, since the video email transmissions would be spaced apart.

But, neither Sugaya nor Doty disclose the format for bulk mailing is blind carbon copying. However, sending emails utilizing blind carbon copying is well known in the art at the time of the invention. Therefore Official Notice (MPEP 2144.03) is taken that it would have been obvious to combine such well known practices and methods of with the teachings Doty and Sugaya in order not share the email addresses of all the recipients with each other.

75. As to claim 41 and 104, Doty, Sugaya, and what was well known in the art disclose the steps of creating confirmation of successful transmission of sent email; displaying errors of unsuccessful transmission of sent email along with its reasoning; and showing related statistics about sent video email (Doty, column 13, lines 16-29).

76. As to claim 42, Doty, Sugaya, and what was well known in the art disclose the further steps of creating an automatic method for setting up video email settings by creating a step-by-step wizard helping video email sender to: a. get introduced and acquainted to the procedure (Abstract); b. set up SMTP, POP3 and Authorized Email Addresses (Doty, column 14, lines 14-29); c. set up and verifying POP3 User Name, POP3 Password, and Reply Email Account (Doty, column 14, lines 14-29); d. customize the settings for the video email sender to: 1. not connect to POP3 Account (Doty, column 14, lines 14-29); 2. log on to the SMTP Server using: a. the same user name as the POP3 Account (Doty, column 14, lines 14-29); b. log on as a different user with different password (Doty, column 14, lines 14-29); e. finalize the settings by testing the parameters and verifying all accuracies (Doty, column 14, lines 14-29); and f. display any and all inaccuracies for video email sender correction (Doty, column 14, lines 14-29).

77. As to claim 105, Doty, Sugaya, and what was well known in the art disclose programming the video email with an animation that is displayed before the

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video, audio and image are displayed on a computer screen to cover the delay in display (Doty, column 13, lines 16-29)..

78.As to claim 106, Doty, Sugaya, and what was well known in the art disclose the animation is displayed in a way to compensate for streaming video hashing, streaming and latency (Doty, column 13, lines 16-29).

79.As to claim 107, Doty, Sugaya, and what was well known in the art disclose including means for storing multiple video contents based on different settings supported by media player formats including: 1. Microsoft Media Player 2. Real Networks Real One 3. Apple Quick Time 4. MPEG-1, 2, 4 5. Macromedia Flash to enable a better choice of player format (column 8, lines 45-63).

80.As to claim 108, Doty, Sugaya, and what was well known in the art disclose including means for converting a video content into several video, audio and image formats to provide versatility and means for incorporating them into video, audio, and image folders for easier access and means for storing the folders in the intelligent video streaming server to enable quick fetching (Doty, column 13, lines 16-29).

81.As to claim 109, Doty, Sugaya, and what was well known in the art disclose including means for associating for video, audio, and image types based on

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supported media player formats for providing knowledge base to an algorithm of an intelligent video streaming server (column 8, lines 45-63).

82. As to claim 110, Doty, Sugaya, and what was well known in the art disclose including means for automatically creating an intelligent detection computer code using input supplied by video format, bandwidth, and file extension and incorporating such knowledge into the video email video input field for assuring emailing the correct video (column 8, lines 45-63).

83. As to claim 111, Doty, Sugaya, and what was well known in the art disclose including means for automatically creating an intelligent detection computer code for use in conjunction with any web site, for streaming intelligent video, audio, and animation based on measured bandwidth and video format (column 8, lines 45-63).

84. As to claim 112, Doty, Sugaya, and what was well known in the art disclose means for using decision criteria in an algorithm based on user decisions on quality of video versus speed of download to enable a web browser to display a video without regard to selecting the speed of connection, media format type, and change in personal computer desktop settings restrictions and preference (column 8, lines 45-63).

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85. As to claim 113, Doty, Sugaya, and what was well known in the art disclose the algorithm determines quality versus speed and orders streaming for most suitable video, audio, and image for email recipient or web browsing streaming experience (column 8, lines 45-63).

86. As to claim 114, Doty, Sugaya, and what was well known in the art disclose including means for automatically creating an intelligent detection computer code residing at the intelligent video streaming server based on the algorithm detecting automatically the most suitable video streaming for emailing or viewing experience by assigning values to speed, bandwidth connection, media format and creating a "Certainty Factor" and wherein the highest computational variables so determined are associated with video format, connection speed, desktop settings and user preferences for streaming or emailing for viewing experience on a computer screen (column 8, lines 45-63)

Conclusion

87. For additional prior art made of record and not relied upon but considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.

88. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is

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571-270-1246. The examiner can normally be reached on Monday thru Friday;
9:00am - 5:00pm.

89. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

90. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452